

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 05-359 (MJD/AJB)

(1) OSCAR ARMANDO HERRERA-DISCUA,

Defendant.

Tricia A. Tingle, Assistant United States Attorney, Counsel for Plaintiff.

Arthur R. Martinez, Law Offices of Arthur R. Martinez P.A., Counsel for
Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated December 2, 2005. Defendant Oscar Armando Herrera-Discua filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Report and Recommendation dated December 2, 2005.

Accordingly, based upon the files, records, and proceedings herein, **IT IS
HEREBY ORDERED** that:

1. The Magistrate Judge's Report and Recommendation dated December 2, 2005, [Docket No. 54] is hereby **ADOPTED**.
2. Defendant's Motion to Suppress Evidence Obtained Pursuant to Search Warrant [Docket No. 48] is **DENIED**.

Dated: January 30, 2006

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court